

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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United States of America,

Case No. 20-cr-131 (ECT/TNL)

Plaintiff,

v.

**ORDER**

Demilo Demontez Martin (1), and  
Dierre Jameson Martin (2),

Defendants.

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This matter comes before the Court on Defendant Dierre Jameson Martin's Motion for Continuance of Motion Filing Date and Motions Hearing and Trial Date, ECF No. 33, and Defendant Demilo Demontez Martin's Motion to Continue Motions Filing Date, ECF No. 35. Defendant Dierre Jameson Martin has also filed a Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act, ECF No. 34.

Defendants each need additional time to review discovery and discuss this case with counsel. Defendants request that the motions filing date be continued to September 8, 2020. The Government has no objection to the requested extension.<sup>1</sup> ECF No. 33 at 1.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting such a continuance outweigh the best interests of the public and Defendants in a speedy trial and such continuance is necessary to provide Defendants and their attorneys reasonable time necessary for effective preparation and to make efficient use of the parties'

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<sup>1</sup> The Government communicated with the Court via e-mail that it had no objection to Defendant Demilo Demontez Martin's motion. See ECF No. 35 at 1.

resources. Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant Dierre Jameson Martin's Motion for Continuance of Motion Filing Date and Motions Hearing and Trial Date, ECF No. 33, is **GRANTED**.

2. Defendant Demilo Demontez Martin's Motion to Continue Motions Filing Date, ECF No. 35, is **GRANTED**.

3. The period of time from **August 17 through October 9, 2020**, shall be excluded from Speedy Trial Act computations in this case. *See United States v. Mallett*, 751 F.3d 907, 911 (8th Cir. 2014) ("Exclusions of time attributable to one defendant apply to all codefendants." (quotation omitted)); *United States v. Arrellano-Garcia*, 471 F.3d 897, 900 (8th Cir. 2006) (same).

4. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **September 8, 2020**. D. Minn. LR 12.1(c)(1).

5. As previously stated, ECF Nos. 16, 24, on June 26, 2020, Chief District Judge John R. Tunheim issued General Order No. 17, "In Re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19."<sup>2</sup> This order requires that, with a defendant's consent, criminal proceedings be conducted by videoconferencing or telephone conferencing if videoconferencing is not reasonably available. The order further requires that, if a defendant declines to consent to proceeding by videoconferencing

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<sup>2</sup> All General Orders related to the COVID-19 pandemic may be found on the Court's website at <https://www.mnd.uscourts.gov/coronavirus-covid-19-guidance>.

or telephone conferencing, the matter be continued until an in-person hearing can be held. **Accordingly, should a Defendant file pretrial motions, defense counsel shall also file a letter indicating whether the Defendant consents to a motion hearing by videoconference.**

6. **Counsel must electronically file a letter on or before September 8, 2020, if no motions will be filed and there is no need for hearing.**

7. All responses to motions must be filed by **September 22, 2020**. D. Minn. LR 12.1(c)(2).

8. Any Notice of Intent to Call Witnesses must be filed by **September 22, 2020**. D. Minn. LR. 12.1(c)(3)(A).

9. Any Responsive Notice of Intent to Call Witnesses must be filed by **September 25, 2020**. D. Minn. LR 12.1(c)(3)(B).

10. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a Defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

11. If required, the motions hearing must be heard before Magistrate Judge Tony N. Leung on **October 9, 2020**, at **1:00 p.m.**, in **Courtroom 9W**, Diane E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota. D. Minn. LR 12.1(d).

12. **TRIAL:**

- a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANTS, the following trial and trial-related dates are:**

Counsel should submit two hard copies of trial briefs, voir dire, proposed jury instructions, exhibit and witness lists, and trial-related motions (including motions in limine) to District Judge Eric C. Tostrud's chambers on or before **October 5, 2020**. In addition, counsel should email the proposed jury instructions and exhibit and witness lists to: [tostrud\\_chambers@mnd.uscourts.gov](mailto:tostrud_chambers@mnd.uscourts.gov).

Judge Tostrud will hold a final pretrial conference on **October 16, 2020, at 9:00 a.m.**, in Courtroom 3B, U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota.

This case must commence trial on **October 19, 2020 at 1:00 p.m.**, before District Judge Tostrud in Courtroom 3B, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

- b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Tostrud to confirm the new trial date.**

Date: August 25, 2020

s/ Tony N. Leung  
Tony N. Leung  
United States Magistrate Judge  
District of Minnesota

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